REMARKS

Reconsideration is respectfully requested.

Claims 1, 2, 4 through 10 and 12 through 14 remain in this application. Claims 3 and 11 have been cancelled. No claims have been withdrawn. No claims have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Part 1 of the Office Action

The abstract has been objected to for the informalities noted in the Office Action.

The abstract has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

Parts 2 and 3 of the Office Action

Claims 1, 2 through 7 and 14 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; herein after Szwed) in view of Fred Sterzer (US 4001822; herein after Sterzer), and further in view of Richard C Walker (US 6157317; herein after Walked).

Claims 8 through 10 and 12 through 13 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; herein after Szwed) in view of Fred Sterzer (US 4001822; herein after Sterzer), and further in view of Richard C Walker (US 6157317; herein after Walked).

Claim 1 requires "wherein the vehicle control unit includes means for connecting to an ignition system of the vehicle, the vehicle control unit

including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal". Similarly, claim 7 requires, in part "the vehicle control unit being connectable to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal". Claim 8, particularly as amended, requires "transmitting a stop signal from the law enforcement unit to the vehicle control unit" and "lowering an engine speed of an engine of the vehicle by the vehicle control unit upon the receipt by the vehicle control unit of the stop signal so that the engine of the vehicle is put into an idle condition".

As noted in the previously submitted Amendment, the Szwed patent emphasizes the capability of its system to stop a vehicle by stopping the flow of fuel to the engine of the vehicle and killing the engine. this point is set forth a number of times in the Szwed patent. See Szwed at col. 4, lines 47 through 59 (emphasis added):

> Upon receipt of these codes, the law enforcement personnel turns on the remote control keypad 44, enters the first code via keypad section 48, enters the second code via keypad section 50, and depresses the button 52. A system override signal 14 is then transmitted from the transmitter 18 to a receiver 16. Once the circuit board 36 receives the signal 14 via receiver 16, the circuit board 36 applies current on conductors 32 so that the stopper 28 is forced into engagement (its closed position) with the fuel line 26. <u>The engine will ultimately fail due to the lack of fuel</u> and the car 10 will come to stop, allowing the law enforcement personnel to apprehend the culprits.

Szwed also teaches, at col. 2, lines 59 through 62:

> Still another object of the invention is to equip a car with a device that shuts off the fuel flow to the engine, preventing the improper operation of the car.

And teaches at col. 2, lines 62 through 65:

> It is still another object of the invention is to equip a car with a device that shuts off the fuel flow to the engine via remote control, preventing the improper operation of the car.

And further teaches at col. 3, lines 28 through 31:

> The law enforcement vehicle 12 carries a remote transmitter 18 that sends a signal 14 to a receiver 16 in the car 10 causing the fuel flow to the engine to cease, thereby disabling the car 10.

Not only does this fuel cutoff permit the vehicle to be brought to an immediate stop by killing the engine, Szwed teaches that the fuel shut off function permits the fuel to be shut off during periods when the vehicle is not being operated, to disable the vehicle even when it is not being operated and thus to prevent unauthorized operation from even being initiated. See Szwed at col. 2, lines 27 through 42 (emphasis added):

> The processor is activated by the ignition switch and prompts a user to enter a first security code through the keypad, next the processor compares the first security code to a stored code and controls operation of the electromagnetic valve in response thereto. <u>The electronic valve is normally maintained in a closed position which prevents fuel flow from the fuel tank through the fuel line.</u> Upon actuation of the electronic valve, it is energized to reciprocate into its open position which allows fuel to flow from the fuel tank through the fuel line. Where the first security code is equivalent to the stored code, the processor actuates the electromagnetic valve to reciprocate into the open position. However, when the first security code is not equivalent to the stored code, the processor prevents actuation of the electromagnetic valve, thereby maintaining the electromagnetic valve in its closed position.

And at col. 2, lines 48 through 51:

> Upon receipt of the override signal from the transmitter, the processor prevents actuation of the electromagnetic valve and returns the electromagnetic valve to its closed position, thereby disabling the vehicle.

The Szwed patent also describes a capability of the system to prevent a carjacking by providing the driver of the vehicle with the ability to

immediately turn off the vehicle through the cut off of fuel to the engine. See Szwed at col. 4, lines 14 through 24 (emphasis added):

> The device of the instant invention, may additionally be fashioned with a manual "ON-OFF" switch (not shown) allowing the driver of the car to immediately disable the vehicle. This is most effective if the driver is a victim of a car-jacking. When forced to exit the vehicle by a car-jacker, the driver may throw the manual switch to render the car inoperable within a few feet of travel. The manual switch may be inconspicuously located within the interior of the car (e.g., on the steering wheel, or on the side of the seat) so that the driver may access it as they leave the car.

In contrast to the system described in the Szwed patent, the Walker patent discusses a system in which turning off or disabling a vehicle goes through approximately three or four steps before the vehicle is actually stopped, and then shutting off the engine may take an additional step. See Walker at col. 13, lines 35 through 49:

> Part 1 and part A depict the open setting and uninterrupted flow supply to the power plant in the normal function. Part 2 and part B illustrates the flow volume first level of restriction either of fuel and/or air to the engine which controls the rpms or car speeds to 40 mph). Part 3 and part C shows the engine idle only setting where only enough flow of fuel and/or air is available to sustain the power for the crucial control functions like power steering or braking, but no capability to power up a speed increase. Part 4 and part D illustrate the complete shut down mode, which would be the complete starvation or cessation of fuel and/or air in the case of a machine/vehicle that relied on an internal combustion engine. This would of course result in complete shut down of the power plant and render the vehicle completely inoperable.

This multi-step process for stopping a vehicle requires several "pages" by the Walker system to get through these steps to ultimately stop the engine of the vehicle.

It is submitted that one of ordinary skill in the art, considering the teaching of Szwed and his emphasis on the complete cut off of fuel to prevent the starting of the engine of the vehicle and to immediately stop the engine in the event of a carjacking, would cause one of ordinary skill in the

art to avoid any modification of the system (such as taught by Walker) that would delay the stopping of the engine and render these features less effective or even ineffective. It is submitted that any modification of the Szwed system to incorporate the features of Walker identified in the Office Action would run counter to the objects of the Szwed patent set forth above and the capabilities set forth in the detailed description of the Szwed patent.

It is therefore submitted that one of ordinary skill in the art would not have modified the Szwed system in the manner set forth in the Office Action by incorporating features and functions from the Walker patent.

Withdrawal of the §103(a) rejection of claims 1, 2 through 10 and 12 through 14 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By _____ **Date:** 11/20/03

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